Atlanta Journal - Constitution 9/18/87

Court Clears Way To Open Oswald's Grave

From Press Dispatches

DALLAS — The Court of Appeals Thursday rejected a lower court's temporary injunction that barred exhumation of Lee Harvey Oswald's grave.

An attorney for Marina Oswald Porter, widow of the man accused of assassinating President John. F. Kennedy, said he was prepared to "take all steps legally necessary" to open the grave in Rose Hill Burial Park in Fort Worth, Texas.

The state court's ruling came on an appeal by British author Michael Eddowes.

Eddowes contends a Soviet secret agent assumed Oswald's identity after Oswald's defection to the Soviet Union in 1959, then returned to Dallas and shot Kennedy on Nov. 22, 1963.

In a recent suit against Oswald's brother, Robert, Mrs. Porter sought to open the grave that she believes is empty. Her lawsuit declared that her husband's body was illegally removed and either cremated or hidden in a mausoleum.

The appeals court dismissed Robert Oswald's claim of property interest in the burial plot and stated he lacked the legal authority to even institute the lawsuit.

In Dallas, Mrs. Porter's attorney, Jerry Pittman, said the ruling gave a powerful backing to Mrs. Porter's own suit to open the grave.

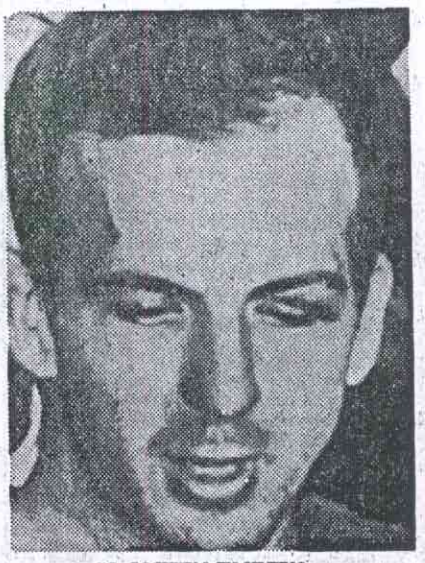
"Based upon the information we have received regarding the opinion of the Court of Appeals in Fort Worth, it appears the only interested party is Marina Oswald Porter, our client, and so we are going to immediately take all steps legally necessary to have the trial court grant our request to allow Mrs. Porter the right the exhume the body contained in the grave," Pittman told UPI.

In Rockwall, Texas, Mrs. Porter told UPI she was cautious but pleased about the ruling.

"The war is not over yet and I'll claim the victory when the grave is opened," she said.

The Fort Worth court rejected a sweeping temporary injunction issued last August by State District Judge James E. Wright that stymied a plan by Eddowes to open the Oswald grave and autopsy the remains, if any, to determine identity.

Eddowes' attorneys argued forcefully against the lower court ruling a week ago and at that time the appeals court's justices exhibited doubts about the legality of Wright's decision.



IS COFFIN EMPTY?
Lee Harvey Oswald

The key part of Eddowes' legal case, however, was based upon authorization by Mrs. Porter to open the grave. Mrs. Porter withdrew that authorization after she filed her own lawsuit.

Meanwhile, Harold Weisberg, author of six books on the assassination of President Kennedy, said Thursday he has asked a federal judge to order the FBI to re-examine evidence suggesting that Oswald acted alone in the killing.